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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10                   U.S. WATER SERVICES, INC.,

11                   Plaintiff,

CASE NO. C11-5144BHS

12                   v.

13                   GREG ITOH,

14                   Defendant.

ORDER DENYING  
DEFENDANT'S MOTION  
FOR RECONSIDERATION

15                   This matter comes before the Court on Defendant's ("Itoh") motion for  
16 reconsideration (Dkt. 24).<sup>1</sup> The Court has considered the pleadings filed in support of the  
17 motion and the remainder of the file and hereby denies the motion for the reasons stated  
18 herein.

19                   Motions for reconsideration are disfavored. The court will ordinarily  
20 deny such motions in the absence of a showing of manifest error in the prior  
21 ruling or a showing of new facts or legal authority which could not have  
been brought to its attention earlier with reasonable diligence.

22 Local Rule CR 7(h)(1).

23                   The Court has reviewed Itoh's motion and concludes that he has not established  
24 that the Court's entry of the TRO constitutes manifest error or that new facts or legal  
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<sup>1</sup>Itoh styled his motion as one to set aside the temporary restraining order ("TRO") that  
27 the court entered on March 3, 2011. Dkt. 22. Itoh's motion is more properly characterized as a  
28 motion for reconsideration. Therefore, the Court will treat it as such.

1 authority exist which could not have been brought to the Court's attention earlier with  
2 diligence. Therefore, Itoh has not met his burden on reconsideration and his motion  
3 should be denied. *See id.*

4 The Court reminds Itoh that the TRO, as entered, is only temporary relief to  
5 maintain the status quo in this matter. Itoh will have full opportunity to defend against  
6 Plaintiff's motion for preliminary injunction. *See* Dkt. 22 at 4 (number (3), setting out  
7 preliminary injunction briefing schedule).

8 Therefore, it is hereby **ORDERED** that Itoh's motion for reconsideration is  
9 **DENIED** for the reasons discussed herein.

10 DATED this 8<sup>th</sup> day of March, 2011.

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BENJAMIN H. SETTLE  
United States District Judge